IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

Tr.P(C).No. 10 of 2007

OP(G&W).3/2005 of FAMILY COURT, THIRUVALLA

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PETITIONER/RESPONDENT:

C.T. LALY,
CHARUVIL KIZHAKKETHIL HOUSE, THANNITHODU MURI,
THANNITHODU VILLAGE, KONNI, KOZHENCHERRY TALUK,
PATHANAMTHITTA, NOW RESIDING AT VETTUTHOTIL HOUSE,
SAKTHIKULANGARA P.O., KOLLAM.

BY ADV. SRI.JOHN BRITTO
SRI.C.A.RAJEEV

RESPONDENT: PETITIONER:

P.S. ALEXANDER @ JOISE,
PEZHUMOOTTIL HOUSE, PAYYANAMON, KONNI,
PATHANAMTHITTA.

BY ADV. SRI.V.PHILIP MATHEW

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

Tr.P.(C) No.10 of 2007

Dated: September 14, 2007

ORDER

The petitioner herein is the respondent in O.P.(G&W) No.3/2005 on the file of the Family Court, Thiruvalla. The said petition was filed by the respondent for the custody of the minor child by name Calvin Alex. Three other cases were filed by the petitioner herein viz. O.P.(Divorce) No.326/2004 for a decree of dissolution of marriage, O.P.No.1334/2003 for recovery of Rs.6,07,840/- from the respondent and his father, being value of her paternal share and gold ornaments entrusted with them, and M.C.No.432/2003 to direct the respondent to provide maintenance to the petitioner and her child.

2. The transfer petition was filed stating that the learned Judge of the Family Court, Thiruvalla, is proceeding with the matters pending before the court in a partisan and biased manner. It is also alleged that the learned Judge has openly sided with the respondent and is now harassing and pressurising the petitioner to enter into a settlement with the respondent, which is against the interest of the petitioner and the minor child. In view of the allegations made against the presiding officer, this court has called for a report from the presiding officer. The presiding officer submitted a detailed report stating the factual background and also reported that the allegations are made without any basis and that the

presiding officer had not compelled the parties to arrive at a settlement.

I find that no grounds are made out for a transfer of the case. The reasons stated for the transfer is without any basis. Therefore this petition is dismissed. There will be no order as to costs.

HARUN-UL-RASHID
JUDGE.

mt/-